

## REMARKS

Claims 1-44 are pending in the above-identified patent application. Claims 1-22 have been withdrawn from consideration. Reconsideration is respectfully requested.

In the outstanding Office Action, claims 1-22 were withdrawn from consideration as being part of a non-elected species; claims 23, 25-31, 33-42 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 914,546 (Amos); claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Amos in view of US Patent No. 6,363,698 (Swain); claims 32 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Amos in view of US Patent No. 2,130,442 (Worcester).

### *35 U.S.C. § 103 Claim Rejections*

Claims 23, 25-31, 33-42 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 914,546 (Amos). Reconsideration is respectfully requested.

Amos discloses a saddle tree, constructed wholly of resilient metal, stamped or otherwise formed to a proper contour.<sup>1</sup> In particular, Amos discloses a saddle tree with a seat **1** and two strips **14** or members of resilient metal that extend from points adjacent to the rim of the cantle **3** to a point adjacent to the pommel **4**, where the two strips **14** or members merge into a third member or strip **15**.<sup>2</sup> Further, Amos discloses the two strips **14** and strip **15** are secured to the seat **1** of the saddle tree by rivets **16** and **17**, respectively.<sup>3</sup> Moreover, Amos discloses, along with the features discussed above, that the seat **1** of the saddle tree has combined with it girth loops **8**, which are also adapted for connection with the stirrup straps, and “*in order to cause the tree to possess sufficient rigidity to prevent undue yielding*” and at the same time to render it responsive to-pressure (emphasis added).<sup>4</sup> That is, the saddle tree of Amos is to possess “rigidity to prevent undue yielding” and is thus directed to a relatively “rigid” saddle.

However, Amos nowhere discloses, as claim 23 recites:

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<sup>1</sup> Amos at page 1, column 1, lines 24-25.

<sup>2</sup> *Id.* at Figs. 1, 6 and 7; and page 1, lines 76-82.

the tree body being formed from a *flexible material* and a generally *Y-shaped strengthening bar* wherein the forks of the Y-shape are directed towards the cantle end of the saddle tree (emphasis added).

Though Amos discloses a saddle tree of "resilient metal," Amos further discloses that the character of the metal of the saddle tree should be such that "*the tree to possess sufficient rigidity to prevent undue yielding.*" That is, Amos teaches that limits on the flexibility the saddle tree.

In contrast to Amos, the claimed invention discloses "the tree body being formed from a "flexible material." That is, in contrast to Amos, the claimed invention places no limits on the flexibility of the saddle tree. In fact, Amos teaches away from the claimed invention in indicating a rigid characteristic to his disclosed saddle tree, as opposed to the "flexible" characteristic of the claimed invention.

Furthermore, the invention of claim 23 recites: "a Y-shaped strengthening bar." However, in contrast to the claimed invention, it is respectfully submitted that the V-shaped two strips **14** disclosed by Amos is *not* a strengthening bar. That this is the case is evidenced by the statement in the disclosure of Amos that the intermediate portions of the two strips **14** are: "bowed away from the tree, as shown in Fig. 8, in order to secure the desired spring action." That is, instead of providing "a generally Y-shaped strengthening bar," to the saddle tree as recited in claim 23, Amos discloses a two strips **14** providing a "spring action" to the saddle tree.<sup>5</sup>

Thus, Amos nowhere discloses a saddle tree with either of the limitations of: "a flexible material" nor "a generally Y-shaped strengthening bar," as recited in claim 23. Therefore, it is respectfully submitted that Amos does not disclose, suggest or make obvious the limitations of the claimed invention and that claim 23, and claims dependent thereon, patentably distinguish thereover.

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<sup>3</sup> *Id.* at Fig. 1, 6, 7 and 8; and page 2, lines 47-63.

<sup>4</sup> *Id.* at page 1, lines 39-48.

<sup>5</sup> *Id.* at Fig. 8, page 2, lines 58 to 63.

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Amos in view Swain. Reconsideration is respectfully requested.

Claim 24 is dependent upon claim 23. As discussed above, claim 23 is not disclosed by Amos. Thus, at least for the reasons above, claim 24 is also not disclosed by Amos.

In addition, the outstanding Office Action acknowledges other deficiencies in Amos and attempts to overcome those deficiencies by combining Swain with Amos. However, Swain cannot overcome all of the deficiencies of Amos, as discussed below.

Swain discloses a saddle tree having a *rigid pommel* portion and a *rigid cantle* portion joined at least one discrete flexible connector whereby the tree is able to centrally flex the tree (emphasis added).<sup>6</sup> In particular, Swain discloses each of the legs **4** of the cantle portion **3** joined to a respective one of the arms **7** of the pommel portion **2** by a *flexible connector 8* (emphasis added).<sup>7</sup> However, Swain nowhere discloses, as claim 24 recites:

the tree body being formed from a *flexible material* and a generally *Y-shaped strengthening bar* wherein the forks of the Y-shape are directed towards the cantle end of the saddle tree (emphasis added).

That is, the invention of claim 24 recites: “a Y-shaped strengthening bar.” However, in contrast to the claimed invention, it is respectfully submitted that the flexible connectors **8** disclosed by Swain are *not* a strengthening bar but indeed “connectors.” Further, the connectors are not “generally Y-shaped,” as recited in claim 24. Moreover, though Swain discloses the saddle tree **1** includes a pair of steel tie bars **9** to maintain stiffness, these tie bars are not: “formed from flexible material,” “generally Y-shaped” or “made from carbon fibre,” as recited in claim 24.<sup>8</sup>

Thus, Swain cannot overcome all of the deficiencies of Amos. Therefore, it is respectfully submitted that neither Amos nor Swain, whether taken alone or in combination, does not

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<sup>6</sup> Swain discloses at ABSTRACT.

<sup>7</sup> *Id.* at FIG. 1; and column 2, lines 33-34.

<sup>8</sup> *Id.* at FIG. 1; and column 2, lines 43-46.

disclose, suggest or make obvious the limitations of the claimed invention and that claim 24, and claims dependent thereon, patentably distinguish thereover.

Claims 32 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Amos in view of Worcester. Reconsideration is respectfully requested.

Claims 32 and 43 are ultimately dependent upon claim 23. As discussed above, claim 23 is not disclosed by Amos. Thus, at least for the reasons above, claims 32 and 43 are also not disclosed by Amos.

In addition, the outstanding Office Action acknowledges other deficiencies in Amos and attempts to overcome those deficiencies by combining Worcester with Amos. However, Worcester cannot overcome all of the deficiencies of Amos, as discussed below.

Worcester discloses the saddle construction of Western stock type saddles having solid seat covering that has been found desirable to cover the space between the tree rails with a metal plate to prevent the leather covering from sagging.<sup>9</sup>

However, Worcester nowhere discloses, as claims 32 and 43 recite:

the tree body being formed from a *flexible material* and a generally *Y-shaped strengthening bar* wherein the forks of the Y-shape are directed towards the cantle end of the saddle tree (emphasis added).

That is, the invention of claims 32 and 43 recite discloses: “a Y-shaped strengthening bar.” However, in contrast to the claimed invention, it is respectfully submitted that Worcester nowhere discloses: “a flexible material and a generally Y-shaped strengthening bar.” Thus, Worcester cannot overcome all of the deficiencies of Amos. Therefore, it is respectfully submitted that neither Amos nor Worcester, whether taken alone or in combination, does not disclose, suggest or make obvious the limitations of the claimed invention and that claim 32 and 43, and claims dependent thereon, patentably distinguish thereover.

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<sup>9</sup> Worcester at ABSTRACT.

***Conclusion***

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21046-00041-US1 from which the undersigned is authorized to draw.

Dated: July 6, 2007

Respectfully submitted,

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